

REMARKS/ARGUMENTS

Claims 19 - 25 are pending in the application. New claim 26 has been added. Claims 19-21 are rejected under 35 U.S.C. § 102(b) as being anticipated by Humphrey (US 1,585,149). Claims 20, 22 and 23 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Humphrey (US 1,585,149). Claims 24 and 25 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Humphrey (US 1,585,149) in view of Carrow (US 3,815,637). Claims 19-22 and 25 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Lyng (US 4,272,577) in view of Humphrey (US 1,585,149). Claims 23 and 24 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Lyng (US 4,272,577) in view of Humphrey (US 1,585,149) as applied to claims 19-22 and 25 above, and further in view of Carrow (US 3,815,637). The rejections will be addressed in turn below.

Independent claim 19 stands rejected both under 35 U.S.C. § 102(b) as anticipated by Humphrey (U.S. Pat. # 1,585,149) (Humphrey) and under 35 U.S.C. § 103(a) as obvious over Lyng (U.S. Pat. # 4,272,577) (Lyng) in view of Humphrey. Applicant cannot agree because neither reference teaches each and every element of claim 19. Claim 19 requires, in part, "a restrictor element in the tube to partially restrict the longitudinal movement of sausage emulsion." Neither Lyng nor Humphrey teaches this limitation. In contrast, Lyng teaches the use of a weir plate P to obtain an asymmetrical flow profile of a non-wax ski base and not sausage emulsion as required by claim 19. Humphrey does not cure Lyng, as Humphrey teaches the use of a choke block 12 to compress cellulosic material and not sausage emulsion as required by claim 19. Therefore, because the combination of Lyng and Humphrey does not teach each and every limitation of claim 19 they cannot as a matter of law render the

claim obvious. Furthermore, since claims 20-26 depend from claim 19, Applicant asserts that those claims are similarly in a condition for allowance at the very least for the same reasons.

New claim 26 has been added, and applicant asserts that claim 26 presents allowable subject matter because none of the cited references disclose each and every element of new claim 26. New claim 26 requires, in part, that "the restrictor element has a forward end that extends diagonally from the tube to the top surface." Lyng fails to meet the limitations of new claim 26, as weir plate P does not have a forward end that extends diagonally from a top surface to a tube, as required by claim 26. Carrow similarly fails to disclose the limitations of new claim 26, as the forward ends of choke bars 9, 10, and 11 are flush with passageway 3 and do not extend diagonally from a top surface to a tube, as required by claim 26. Finally, Humphrey does not disclose the choke block 12 as having a diagonal forward end, and thus Humphrey cannot meet the limitations of claim 26. Therefore, because none of the cited references, alone or in combination, teach each and every limitation of the claim, new claim 26 presents allowable subject matter.

CONCLUSION


In view of the foregoing arguments, Applicant believes that claims 19 - 26 are in condition for allowance and Applicant respectfully requests the same.

If any issues remain that may be expeditiously addressed in a telephone interview, the Examiner is encouraged to telephone the undersigned at 515/558-0200.

All fees or extensions of time believed to be due in connection with this response are attached hereto; however,

consider this a request for any extension inadvertently omitted,
and charge any additional fees to Deposit Account 50-2098.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'TJZ', with a long horizontal line extending to the left.

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